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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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14 **STATE OF CALIFORNIA, STATE OF**
15 **COLORADO, STATE OF DELAWARE,**
16 **COMMONWEALTH OF**
17 **MASSACHUSETTS, STATE OF NEW**
18 **JERSEY, STATE OF NEW MEXICO,**
19 **STATE OF NEW YORK, STATE OF**
20 **OREGON, STATE OF RHODE ISLAND,**
21 **STATE OF VERMONT, and STATE OF**
22 **WASHINGTON,**

23 Plaintiffs,

24 v.

25 **UNITED STATES OF AMERICA, U.S.**
26 **ENVIRONMENTAL PROTECTION**
27 **AGENCY, LEE ZELDIN,** in his official
28 capacity as Administrator of the U.S.
Environmental Protection Agency, and
DONALD J. TRUMP, in his official capacity
as President of the United States,

Defendants.

Case No. 4:25-cv-04966-HSG

**JOINT STIPULATION AND
ORDER TO MODIFY BRIEFING
DEADLINES AND HEARING DATE ON
DEFENDANTS' MOTION TO DISMISS
(as modified)**

Date: January 29, 2026
Time: 2:00 p.m.
Judge: Hon. Haywood S. Gilliam, Jr.

Action filed: June 12, 2025

1 Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, and this Court's Standing Orders,
2 Plaintiffs State of California et al. and Defendants United States et al. (together, "Parties"), acting
3 by and through their respective counsel, stipulate and respectfully submit as follows:

4 WHEREAS, Plaintiffs amended their complaint on October 10, 2025, ECF No. 157;

5 WHEREAS, on October 22, 2025, the Parties filed a stipulation requesting to extend
6 Defendants' deadline to respond to the amended complaint and setting a briefing schedule for
7 Defendants' anticipated motion to dismiss;

8 WHEREAS, on October 23, 2025, the Court granted the stipulation and set the following
9 briefing schedule:

10 November 17, 2025: United States' Motion to Dismiss

11 November 24, 2025: Amici Briefs in Support of Motion to Dismiss

12 December 23, 2025: Plaintiff States' Opposition

13 January 9, 2026: Amici Briefs in Support of Opposition

14 January 19, 2026: United States' Reply in Support of Motion to Dismiss

15 January 29, 2026: Motion Hearing;

16 WHEREAS, Defendants filed their motion to dismiss the amended complaint on November
17 17, 2025, ECF No. 172;

18 WHEREAS, four sets of proposed amici filed motions for leave to file amicus briefs on
19 November 24, 2025, ECF Nos. 176, 177, 178, 179;

20 WHEREAS, on December 2, 2025, the Court denied motions to intervene filed by six
21 additional sets of non-parties and denied requests to file motions to dismiss filed by three sets of
22 proposed defendant-intervenors, ECF No. 182;

23 WHEREAS, "to ensure [the denied intervenors receive] an equal opportunity to be heard,"
24 the Court also extended the deadline for "any Proposed Intervenor who has not already done so to
25 file a motion for leave to file an amicus brief by December 12, 2025," *id.* at 9;

26 WHEREAS, as a result of the extension, Plaintiffs will have only six working days to
27 review and determine whether and how to respond to additional amicus briefs before filing their
28 opposition to Defendants' motion to dismiss by the current deadline of December 23, 2025;

1 WHEREAS, Plaintiffs reasonably anticipate needing additional time to respond to the
2 anticipated amicus briefs, in part because their ability to obtain review and approval by all
3 necessary entities within the 11 Plaintiff States is hampered by the upcoming holidays;

4 WHEREAS, the Parties have met and conferred, and Defendants do not object to the
5 revised schedule Plaintiffs proposed, which includes a short extension of Plaintiffs' deadline to
6 oppose the motion to dismiss;

7 WHEREAS, the schedule the Parties now propose continues the hearing date by only two
8 weeks and preserves the 10-day period between submission of Defendants' reply brief and the
9 hearing date;

10 WHEREAS, as described above, this is the Parties' second request to modify the briefing
11 schedule for the motion to dismiss the amended complaint;

12 NOW, THEREFORE, it is hereby stipulated, subject to this Court's approval, that:

- 13 1. Plaintiffs shall file their opposition to Defendants motion to dismiss (ECF No. 172)
14 no later than January 9, 2026;
- 15 2. Any motion for leave to file an amicus brief on behalf of Plaintiffs shall be submitted
16 no later than January 16, 2026;
- 17 3. Defendants shall file a reply in support of their motion to dismiss no later than
18 February 2, 2026;
- 19 4. The hearing on Defendants' motion to dismiss and on timely filed motions for leave
20 to file amicus briefs is reset to February 12, 2026 at 2 p.m.

21 **IT IS SO STIPULATED.**
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1 Dated: December 9, 2025

Respectfully submitted,

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6 /s/ M. Elaine Meckenstock
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Pursuant to Local Rule 5-1(i), I attest that all signatories to this document concurred in its filing.

/s/ Cecilia D. Segal

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PURSUANT TO STIPULATION, IT IS SO ORDERED. The hearing on the motion to dismiss is RESET to February 19, 2026, at 2:00 p.m. The Court further notes that it will construe all motions for leave to file amicus briefs as administrative motions that will not be set for hearing.

Dated: 12/10/2025


HON. HAYWOOD S. GILLIAM, JR.
U.S. District Judge